



B/ SPW -
Comments on Statement of Allowance
Application No. 09/923,288
Attorney Docket No. OMG/129/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Hubert T. McGovern, et al

Serial No.: 09/923,288

Examiner: William L. Miller

Filing Date: August 6, 2001

Group Art Unit: 3679

For: Deck Screws Suitable for Use with Composite Lumber

Mail Stop Issue Fee
Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMENTS ON STATEMENT OF ALLOWANCE

The Examiner includes statements for allowance in the Notice of Allowance and Fee(s) Due communication mailed on April 27, 2005. The Examiner's statements appear to be correlating a sampling of the numerous deficiencies of the Rodenhouse Grip-Lok® reference with patentability of the claims. However, the Examiner's statements include incorrect analysis of the Rodenhouse Grip-Lok® reference with respect to allowed claims. For example, with regard to allowed claim 59, the Examiner states that the Rodenhouse Grip-Lok® reference fails to include "the bottom surface having a v-shaped undercut having a conical surface in the undercut that connects the lip with a conical underside of the head".

Attorney's Ref: OMG/129/US

I hereby certify that this correspondence is being deposited on the date below with the United States Postal Service as first class mail in an envelope addressed to "Mail Stop Issue Fee, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450."

Signature: 


Guy D. Kelle

Reg. No.: 29,125 Date: May 9, 2005

A proper analysis of the Rodenhouse Grip-Lok® reference with respect to allowed claim 59 clearly shows that the Rodenhouse Grip-Lok® reference fails to disclose a bottom surface having a v-shaped undercut. It should be noted that the language "a conical surface in the undercut that connects the lip with a conical underside of the head" does not appear in allowed claim 59.

In addition, the Examiner's statements failed to address other significant deficiencies of the Rodenhouse Grip-Lok® reference when analyzed against the allowed claims. As a non-limiting example, the Rodenhouse Grip-Lok® reference clearly fails to disclose a screw having the thread pattern of the lower region is symmetrical.

Respectfully submitted
Hubert T. McGovern

By: 
Guy D. Yale, Reg. No. 29,125
Alix, Yale & Ristas, LLP
750 Main Street – Suite 1400
Hartford, Connecticut 06103-2721
Telephone: (860) 527-9211

Date: May 9, 2005